

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BOEHRINGER INGELHEIM)
PHARMACEUTICALS INC., BOEHRINGER) Civil Action No:
INGELHEIM INTERNATIONAL GMBH,) 15-cv-5982 (PGS)(TJB)
BOEHRINGER INGELHEIM CORPORATION,)
and BOEHRINGER INGELHEIM PHARMA)
GMBH & CO. KG,)
)
Plaintiffs,)
v.
HEC PHARM CO., LTD., HEC PHARM USA,)
MYLAN PHARMACEUTICALS INC., MYLAN)
INC., MYLAN LABORATORIES LIMITED,)
ACCORD HEALTHCARE, INC., AUROBINDO)
PHARMA LIMITED, AUROBINDO PHARMA)
USA, INC., DR. REDDY'S LABORATORIES,)
LTD., DR. REDDY'S LABORATORIES, INC.,)
ZYDUS PHARMACEUTICALS USA, INC.,)
CADILA HEALTHCARE LTD., MSN)
LABORATORIES PRIVATE LIMITED, MSN)
PHARMACEUTICALS, INC., PRINSTON)
PHARMACEUTICAL INC., INVAGEN)
PHARMACEUTICALS INC., SUN)
PHARMACEUTICAL INDUSTRIES LTD., SUN)
PHARMA GLOBAL FZE, and TEVA)
PHARMACEUTICALS USA, INC.,)
)
Defendants.)

ORDER

R E C E I V E D

OCT 15 2018

AT 8:30 WILLIAM T. WALSH M
CLERK

THIS MATTER having been opened to the Court by bench trial; and the Court having fully considered the submissions in support thereof, and any opposition thereto; and having considered the arguments of counsel; and for good cause shown;

IT IS on this 12 day of October, 2018,

ORDERED The '927 Patent Claims 7, 9, 15, 17, 19, 25, 26, and '859 Patent Claims 1, 14, 15, 20, and 21 of the patents-in-suit are invalid on the grounds of nonstatutory double patenting; and it is further

ORDERED The '927 Patent Claims 7, 9, 15, 17, 19, 25, 26, and '859 Patent Claims 1, 14, 15, 20, and 21 of the patents-in-suit are invalid due as obvious in view of the prior art under 35 U.S.C § 103; and it is further

ORDERED Judgment is entered in favor of Defendants on Boheringer's claims seeking declarations of infringement.

ORDERED The Memorandum is sealed for a period of sixty (60) days. The parties shall confer and redact the Memorandum, within that time period.

Peter G. Sheridan
PETER G. SHERIDAN, U.S.D.J.